

REMARKS

The Office Action dated October 5, 2009 has been carefully considered. Claims 1, 9, 10, 14, and 17 have been amended. Claims 18 and 20 have been canceled. Reconsideration of the current claims is respectfully requested.

Claim Rejections – 35 USC § 112

In Paragraph 4 of the Office Action, claims 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 18 and 20 have been canceled thereby mooted this rejection. Withdrawal of the rejections of claims 18 and 20 under 35 U.S.C. 112, second paragraph, as being indefinite is respectfully requested.

In the Office Action, claims 18 or 20 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101.

Claims 18 and 20 have been canceled thereby mooted this rejection. Withdrawal of the rejections of claims 18 and 20 under 35 U.S.C. 101, is respectfully requested.

Claim Rejections – 35 USC § 102

In Paragraph 7 of the Office Action, claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Azad et al. (US 2005/0013992 A1). Azad et al. discloses coating fines with a cationic coating so that the coated fines exhibit the same performance as superabsorbent material of normal particle size distribution [0047]-[0053]. However, Azad et al. does not disclose or suggest agglomerating superabsorbent fines as set forth in the present claims. Withdrawal of the rejection of claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Azad et al. is respectfully requested.

In Paragraph 8 of the Office Action, claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodrum et al. (US 5,350,799). Woodrum et al. discloses a method for converting up to 3 parts of fine superabsorbent polymer particles into larger particles by mixing the fine particles with 100 parts of high viscosity reaction product gel containing 20 parts by weight of superabsorbent polymer and water, which can be further processed. Abstract. The current claims are not directed to mixing superabsorbent fines with a high viscosity reaction product gel as set forth in Woodrum et al. Woodrum et al. does not disclose or suggest agglomerating at least 40wt% of superabsorbent fines having a particle size of less than about 150µm and bringing the superabsorbent fines in contact with a fluid comprising no more than about 10 wt.%, based on the total weight of the fluid, a cross-linkable, uncross-linked polymer as set forth in the present claims. Withdrawal of the rejection of claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Woodrum et al. is respectfully requested.

In Paragraph 9 of the Office Action, claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Klimmek et al. (US 5,610,220). Klimmek et al. discloses using phosphoric acid as a diluting agent for the treatment for superabsorbent polymer particles. Column 4, lines 23-27. Klimmek et al. does not disclose or suggest agglomerating superabsorbent fines as set forth in the present claims. Withdrawal of the rejection of claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Klimmek et al. is respectfully requested.

Conclusion

In view of the amendments and remarks presented herein, Applicant submits that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicant's counsel at the number provided below.

Respectfully submitted,

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